

EXHIBIT 48

The New York Times<https://www.nytimes.com/2007/07/27/world/asia/27cnd-india.html>

U.S. Announces Nuclear Exception for India

By David E. Sanger

July 27, 2007

WASHINGTON, July 27 — Three years after President Bush urged global rules to stop additional nations from making nuclear fuel, the State Department today announced that the administration is carving out an exception for India, in a last-ditch effort to seal a civilian nuclear deal between the countries.

“The United States and India have reached a historic milestone in their strategic partnership by completing negotiations on the bilateral agreement for peaceful nuclear cooperation,” the department said in a statement.

The announcement follows more than a year of negotiations intended to keep an unusual arrangement between the countries from being defeated in New Delhi.

Until the overall deal was approved by Congress last year, the United States was prohibited by federal law from selling civilian nuclear technology to India because it has refused to sign the Nuclear Nonproliferation Treaty. The legislation passed by Congress allows the United States to sell both commercial nuclear technology and fuel to India, but would require a cutoff in nuclear assistance if India again tests a nuclear weapon. India's Parliament balked at the deal, with many politicians there complaining that the requirements infringed on India's sovereignty.

Under the deal, which was described on Thursday by senior American officials, Mr. Bush has agreed to go beyond the terms of the deal that Congress approved, promising to help India build a nuclear fuel repository and find alternative sources of nuclear fuel in the event of an American cutoff, skirting some of the provisions of the law.

In February 2004, President Bush, in a major speech outlining new nuclear policies to prevent proliferation, declared that “enrichment and reprocessing are not necessary for nations seeking to harness nuclear energy for peaceful purposes.” He won the cooperation of allies for a temporary suspension of new facilities to make fuel, but allies that include Canada and Australia have also expressed interest in uranium enrichment.

The problem is a delicate one for the administration, because this month American

officials are working at the United Nations Security Council to win approval of harsher economic sanctions against Iran for trying to enrich uranium. India is already a nuclear weapons state and has refused to sign the treaty; Iran, a signer of the treaty, does not yet have nuclear weapons.

But in an interview Thursday, R. Nicholas Burns, the under secretary of state for political affairs, who negotiated the deal, said, "Iran in no way, shape or form would merit similar treatment because Iran is a nuclear outlaw state."

He noted that Iran hid its nuclear activities for many years from international inspectors, and that it still had not answered most of their questions about evidence that could suggest it was seeking weapons.

Because India never signed the treaty, it too was considered a nuclear outlaw for decades. But Mr. Bush, eager to place relations with India on a new footing, waived many of the restrictions in order to sign the initial deal. It was heavily supported by Indian-Americans and American nuclear equipment companies, which see a huge potential market for their reactors and expertise.

Representative Edward J. Markey, a Massachusetts Democrat who opposed the initial deal and said he would try to defeat the new arrangement, said Thursday, "If you make an exception for India, we will be preaching from a barstool to the rest of the world."

Though India would be prohibited from using the fuel it purchases from the United States for nuclear weapons, the ability to reprocess the fuel means India's other supplies would be freed up to expand its arsenal.

"It creates a double standard," Mr. Markey said. "One set of rules for countries we like, another for countries we don't."

Robert J. Einhorn, a scholar at the Center for Strategic and International Studies, said that in "the first phase of negotiations with India, the administration made concessions that put the country on par with countries that have signed" the Nonproliferation Treaty. (Israel and Pakistan are the only other countries that have refused to sign it, and North Korea quit the treaty four years ago.)

"Now we've gone beyond that, and given India something that we don't give to Russia and China."

In general, advocates of a far-stronger relationship between India and the United States have favored the nuclear cooperation deal, and it passed through Congress fairly easily. But those arguing that the administration has not made good on its promises to clamp

down on the trade in nuclear fuel argue that Mr. Bush could be setting a precedent that will undercut his nonproliferation initiative.

Mr. Burns said he disagreed because “this agreement is so very much in our national interest.”

“It will further our nonproliferation efforts globally” by gradually bringing India into the nuclear fold, he said.